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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,668	11/25/2003	Herwig Schretter	P/3453-12	7721
2352	7590	06/01/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CAMPBELL, KELLY E	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,668	Applicant(s) SCHRETTTER, HERWIG	
	Examiner Kelly E. Campbell	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/25/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's use of the limitation "other fastening elements" is confusing as does not clearly identify the fastening element of the invention, being discussed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 4,022,491) in view of Fezio (US 5,544,908).

Powell, referring to Figure 6, teaches a sliding board (42) including:

- at least one guide element (50) connected to the sliding board via fastening elements (40) for arranging additional elements on the upper side of the sliding board, the sliding board (42)

- wherein the guide element (50) is arranged by and firmly connected to, at least one of the fastening elements (40) in a positionally fixed manner on the sliding board, and made in one piece, and is allowed limited mobility in the longitudinal direction of the sliding board by the other fastening elements (18), and wherein the at least one fastening element (40) fixing the guide element in a positionally fixed manner has been integrated into core of the sliding board during formation of the core/sliding board, see Column 4, lines 7-11;
- wherein the guide element (50) is arranged in a positionally fixed manner between its end regions, in the longitudinal direction, lying close to the center of the board;
- wherein the fastening elements (40 and 18) hold the guide element (50) positioned in the vertical and transverse direction;
- wherein the guide elements (50) have locking receiving locations (52) for the fastening elements (40)
- wherein the fastening elements pass through openings in the upper in the ski board top surface.

Powell does not disclose the process of manufacturing of the ski board or teach the sliding board (42) having an upper lower skin and foam core injected during the manufacturing process.

Fezio teaches a ski having:

- having an upper skin (28) and a lower skin (32), a running surface (27), and a foamed core (22);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the core of the ski having embedded fasteners as taught by Powell, via a foam injection manufacturing process, since providing a foam core minimizes manufacturing errors and increases the bonding efficiency of the layers forming the ski as taught by Fezio.

With regards to claims reciting "other fastening elements", examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide multiple or a plurality of similar fastening elements as opposed to a single elongated element, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 4,022,491) in view of Fezio (US 5,544,908) as applied to claim 11 above, and further in view of Piegay (US 5,836,604).

Powell in view of Fezio teaches all aspects of the claimed invention as discussed above, except the receiving parts embedded in the foam core.

Piegay teaches a sliding board having a T-shaped fastener member (14) embedded in the core of the board, and further including lateral reinforcement elements

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(10) embedded in the ski for receiving the fastening elements (14) to further secure the fastener element to the board along with receiving part (9) forming an opening.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ski board taught by to include reinforcement elements in the core of the ski board for securing the fastener elements as taught by in order to further secure the fastening elements for a safer ski board device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuda teaches a ski board and fastener configuration. Matsuda 466' teaches a ski board having a fasteners embedded in the core of the ski. Peterson teaches a gliding board having fasteners embedded in the core of the ski. Namur teaches a ski board fastening device. Piegay teaches a ski board having a fastener embedded in the ski. Abondance et al teaches a ski board having a foam injected core.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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CHRISTOPHER P. ELLIS  
SUPERVISOR, ART UNIT 3618  
TELEPHONE: 571-272-6914